

Message Text

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ACTION ARA-17

INFO OCT-01 ADP-00 SSO-00 NSCE-00 INRE-00 PM-09 NSC-10

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TO SECSTATE WASHDC FLASH 6891

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C O N F I D E N T I A L PANAMA 1488

E. O. 11652: GDS

TAGS: PFOR UNSC PN

SUBJECT : SC MEETING IN PANAMA

REF: STATE 50141

FROM USDEL PANAMA

1. REQUEST AUTHORITY TO SUBSTITUTE FOR SUGGESTED DRAFT FOLLOWING REWRITE BASED ON TEXTS REFTEL AND APPROVED UN POSITION PAPER ON CANAL TREATY ISSUE. (LATTER UNCLASSIFIED, FULL CLEARED TEXT HAS BEEN DISCUSSED INFORMALLY WITH FRIENDLY DELEGATIONS.) REVISION MAKES SAME POINTS BUT WITHOUT TRUCULENCE AND WITHOUT WHITE MAN' S BURDEN THEME WHICH WILL BE REGARDED AS OFFENSIVE BY REPS WE TRYING HARD TO WIN OVER TO OUR SANITIZED RES, PARTICULARLY WITH THOSE MEMBERS - AUSTRALIA, AUSTRIA, INDOENSIA, KENYA - WHICH IN STATEMENTS SO FAR HAVE ADOPTED REASONABLE POSITIONS ON THIS ISSUE. PLEASE NOTE REVISED TEXT STATES CLEARLY IN TWO PLACES NEED FOR CONTINUED US OPERATION AND DEFENSE OF CANAL. TEXT FOLLOWS.

" WE BELIEVE THAT ALL OF MANKIND HAS BEEN WELL SERVED BY THE PANAMA CANAL SINCE ITS COMPLETION NEARLY 60 YEARS AGO. DURING THOSE YEARS IT HAS
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NEVER BEEN CLOSED AND HAS BEEN TRANSITED BY AN
EVER- INCREASING NUMBER OF SHIPS CARRYING CARGO TO AND FROM ALL
PARTS OF THE WORLD. ALTHOUGH THE 1903 TREATY STILL
GOVERNS THE BASIC RELATIONSHIP BETWEEN THE
US AND PANAMA CONCERNING THE CANAL, THAT
RELATIONSHIP WAS SIGNIFICANTLY REVISED -- AS WELL AS REAFFIRMED--
IN 1936 AND 1955. ON BOTH OCCASIONS THE US RELINQUISHED
IMPORTANT RIGHTS AND PROVIDED IMPORTANT NEW BENEFITS FOR PANAMA.

IN 1964, RECOGNIZING THAT A COMPREHENSIVE MODERNIZATION
OF THE RELATIONSHIP WITH PANAMA SHOULD BE UNDERTAKE,
TH US BEGAN NEGOTS WITH 3 ESSENTIAL OBJECTIVES IN VIEW:

- 1) THE CANAL SHOULD BE AVAILABLE TO THE WORLD' S COMMERCIAL
VESSELS ON AN EQUAL BASIS AT REASONABLE COST;
- 2) SO THAT THE CANAL SHOULD SERVE WORLD COMMERCE EFFICIENTLY,
THE US SHOULD HAVE THE RIGHT TO PROVIDE ADDITIONAL CANAL
CAPACITY;
- 3) THE CANAL SHOULD CONTINUE TO BE OPERATED AND DEFENDED
BY THE US FOR AN EXTENDED, BUT SPECIFIED PERIOD OF TIME.
IT WAS RECOGNIZED THEN, AS IT IS TODAY, THAT THESE
OBJECTIVES WOULD REQUIRE THE CONCLUSION OF A NEW TREATY
OR TREATIES TO REPLACE THE 1903 TREATY AND ITS AMENDMENTS.
BY 1967 THREE DRAFT TREATIES HAD BEEN NEGOTIATED AND
AGREED TO BY THE TWO NEGOTIATING TEAMS.
AT THAT TIME THE PANAMANIAN GOVT DID NOT MOVE TO RATIFY
THE TREATIES, BUT IN OCT OF 1970 REQUESTED THE US
TO RENEW NEGOTS. THE US AGREED TO DO SO, AND NEGOTS
WERE IN FACT RENEWED IN JUNE 1971 WHEN THE PANAMANIAN
NEGOTIATING TEAM ARRIVED IN WASHINGTON.

DURING THE INTENSIVE NEGOTS WHICH FOLLOWED, THE US
HAS FULLY RECOGNIZED THAT THE RELATIONSHIP ORIGINALLY
DEFINED IN THE 1903 TREATY NEEDS TO BE BROUGHT INTO LINE
WITH THE REALITIES OF THE WORLD TODAY, AS WELL AS WITH
THE MUTUAL INTERESTS OF BOTH COUNTRIES.

THE US IS ANXIOUS TO CONCLUDE A NEW TREATY. AT THE SAME
TIME, WE BELIEVE IT NECESSARY THAT THE US CONTINUE TO
BE RESPONSIBLE FOR THE OPERATION AND DEFENSE OF THE CANAL FOR
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AN ADDITIONAL, SPECIFIED PERIOD OF TIME (THE LENGTH OF

WHICH IS ONE OF MANY ISSUES TO BE NEGOTIATED).

AS A RESULT OF THE PERSISTENT EFFORTS MADE BY BOTH SIDES,
SIGNIFICANT PROGRESS HAS BEEN MADE IN THE TREATY TALKS
TOWARD REACHING MUTUAL UNDERSTANDING ON MAJOR PRINCIPLES.

I WOULD LIKE TO MAKE CLEAR THAT THE UNITED STATES,
NO LESS THAN OTHERS WHO HAVE SPOKEN AT THIS TABLE,
SUPPORTS PANAMA' S JUST ASPIRATIONS. THE U S
NEGOTIATORS, COGNIZANT OF THOSE ASPIRATIONS, HAVE
ALREADY RECOGNIZED THAT:

- 1) THE 1903 CANAL TREATY SHOULD BE
ABROGATED AND REPLACED BY A NEW, MODERN TREATY;
- 2) ANY NEW CANAL TREATY SHOULD BE OF FIXED
DURATION, REJECTING THE CONCEPT OF PERPETUITY;
- 3) THE U S CRIMINAL AND CIVIL JURISDICTION
IN PANAMANIAN TERRITORY SHOULD DISAPPEAR PURSUANT
TO A MUTUALLY AGREED TIMETABLE;
- 4) THE CANAL ZONE AS SUCH SHOULD DISAPPEAR, WITH PANAMA
MAKING AVAILABLE TO THE US A SUBSTANTIALLY REDUCED
AREA -- LIMITED TO ITS NEEDS FOR OPERATING AND
DEFENDING THE CANAL -- WHICH WOULD BE INTEGRATED
INTO THE LEGAL, ECONOMIC, SOCIAL AND CULTURAL LIFE
OF PANAMA.
- 5) PANAMA SHOULD RECEIVE SUBSTANTIALLY INCREASED
ANNUAL PAYMENTS FROM THE US FOR USE OF ITS TERRITORY
RELATING TO THE CANAL.

WE RECOGNIZE THAT MUCH REMAINS TO BE SETTLED.
YET WE BELIEVE THE ABOVE POINTS REPRESENT A SUBSTANTIAL
FOUNDATION OF IMPORTANT PRINCIPLES, AND ARE CONFIDENT
THAT WITH CONTINUED GOOD WILL BE REASONABLE MEN ON
BOTH SIDES, AND SOME PATIENCE, A MUTUALLY SATISFACTORY
TREATY CAN RESULT.
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